

# HOUSE BILL REPORT

## HB 2220

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### As Reported By House Committee On:

Education  
Appropriations

**Title:** An act relating to allowing schools to receive waivers from state laws, rules, and school district policies and procedures.

**Brief Description:** Providing schools with the flexibility to waive laws, rules, and district policies.

**Sponsors:** Representatives Elliot, Schoesler, Hickel, Thompson, McMorris and McMahan.

### Brief History:

#### Committee Activity:

Education: 1/11/96, 1/26/96 [DPS];

Appropriations: 2/1/96, 2/3/96 [DP2S(w/o sub ED)].

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### HOUSE COMMITTEE ON EDUCATION

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 12 members: Representatives Brumsickle, Chairman; Elliot, Vice Chairman; Johnson, Vice Chairman; Clements; Fuhrman; McMahan; Pelesky; Radcliff; Smith; Talcott; B. Thomas and Thompson.

**Minority Report:** Do not pass. Signed by 6 members: Representatives Keiser, Assistant Ranking Minority Member; Hatfield; Linville; Poulsen; Quall and Veloria.

**Staff:** Robert Butts (786-7111).

**Background:** Public school funding, management, and instruction are controlled, in varying degrees, by the federal government, the state Legislature, court decisions, contractual terms, and school district policies and procedures.

These laws, contract terms, policies and procedures involve, but are not limited to the following:

- what must be taught in public schools and requirements for graduation;

- which instructional programs are to be provided, and to a lesser degree, how the instructional programs are to be provided;
- the certification, salaries, placement, hiring, evaluation, and discharge of staff;
- the screening of students for vision, hearing, and scoliosis;
- how federal, state, local funds must be expended and reported; and
- due process requirements for students.

School districts also are required to comply with building, fire, and other health and safety requirements.

It is argued that the large number and complexity of these requirements reduces the flexibility of school principals and school personnel, thereby making it difficult for them to take actions to improve instruction for students.

**Summary of Substitute Bill:** School boards are given the authority to grant waivers, or partial waivers, to schools within the district of state laws and rules and school district policies and procedures.

To apply for waivers, a school principal, in consultation with school staff and parents, is required to prepare an application to the school board that identifies which laws, rules, policies, and procedures are being requested to be waived and the rationale for requesting the waivers.

The school board is to provide an opportunity for public review and comment regarding the waiver request.

The duration, renewal, and rescission of the waivers are to be determined by the school board.

Waivers may not be granted for the following:

- laws and rules pertaining to health, safety, and civil rights;
- the fourth, eighth, and 11th-grade state standardized tests; the assessments being developed by the Commission on Student Learning; and the annual school performance report; and
- state and federal financial reporting and auditing requirements.

Granting of waivers by school boards shall not be subject to collective bargaining.

School boards are required to notify the state Board of Education (SBE) and the Superintendent of Public Instruction (SPI) of the waivers that are granted. The SBE and SPI are to review the waivers and determine if the requirements of the act have been met. Both agencies are to report to the Legislature by December 1999 regarding the waivers that are granted.

Existing provisions in statute for granting waivers to school and school districts are repealed. Also repealed is a requirement that the Joint Select Committee on Education Restructuring review which waivers of state laws are necessary for education restructuring.

A provision is added to the 21 chapters in the education code that references the ability of schools to get waivers from the requirements in the chapter in accordance with the act.

The act is not to constitute an alternative to Initiative 177, Charter Schools.

**Substitute Bill Compared to Original Bill:** The SPI and SBE are required to review and approve waivers instead of just being notified. Existing provisions in Title 28A RCW pertaining to waivers are repealed in the substitute. References in relevant chapters of Title 28A RCW regarding the ability to receive waivers were added. Language pertaining to Initiative 177 was added.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Substitute Bill:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** The Legislature has eroded the ability of schools to meet the needs of students and overwhelmed schools with paperwork demands. This legislation will increase local control and flexibility. It will empower principals and school boards, but also ensure accountability. Waivers will be granted only with the consent of school boards.

**Testimony Against:** If there are laws that are unnecessary, they should be repealed for all schools. There is a reason and story behind each requirement, and each requirement should be reviewed by the Legislature individually. This is currently being done by the Joint Select Committee on Education Restructuring. If waivers are granted, there should at least be a requirement that a school improvement plan be developed.

**Testified:** Representative Elliot, prime sponsor; Walter Ball, Washington Association of School Principals (pro); Jerry Simicich, principal, Snohomish Freshman Campus (pro); John Mitchell, teacher (pro); Jean Ameluxen, Office of Superintendent of Public Instruction (con); Lynn Harsh, Evergreen Freedom Foundation (pro); Dwayne Slate, Washington State School Directors' Association (pro); Judy Hartmann, Washington Education Association (con); and Sandy Elliot (pro).

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**HOUSE COMMITTEE ON APPROPRIATIONS**

**Majority Report:** The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Education. Signed by 17 members: Representatives Huff, Chairman; Clements, Vice Chairman; Pelesky, Vice Chairman; Beeksma; Brumsickle; Carlson; Cooke; Crouse; Dyer; Foreman; Hargrove; Hickel; Lambert; McMorris; Reams; Sheahan and Talcott.

**Minority Report:** Do not pass. Signed by 11 members: Representatives H. Sommers, Ranking Minority Member; Valle, Assistant Ranking Minority Member; Chappell; Dellwo; Grant; Kessler; Linville; Poulsen; Rust; Sehlin and Wolfe.

**Staff:** Jack Daray (786-7178).

**Summary of Recommendation of Committee on Appropriations Compared to Recommendation of Committee on Education:** The second substitute bill adds a prohibition to waiving current statutory salary limitations for certificated instructional employees.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** None.

**Testimony Against:** This bill could set up added future funding obligations for the state and pose problems for equity in salary policy.

**Testified:** Karen Davis, Washington Education Association.